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Attorneys for Plaintiff

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AMERICAN EXPRESS FINANCIAL  
ADVISORS INC.,

Plaintiff,

-against-

FRANK MARZANO,

Defendant.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Civil Action No. 04-1401 (LDW)

NOTICE OF MOTION TO VACATE  
OR MODIFY ARBITRATION AWARD

TO: Thomas M. Campbell, Esq.  
SMITH CAMPBELL, LLP  
One Whitehall Street  
New York, New York 10004  
Telephone: 212-344-1500  
Attorneys for Defendant

SIR(S):

PLEASE TAKE NOTICE, that the undersigned attorneys for plaintiff

hereby move the Court, pursuant to 9 U.S.C. A., Sections 10 and 11, for an Order

vacating or modifying the Decision of a Panel of the National Association of Securities

Dealers, Inc., dated January 13, 2006, in the matter of *American Express Financial*

*Advisors, Inc. against Frank P. Marzano*", NASD Case No: 04-02723.

PLEASE TAKE FURTHER NOTICE, that the plaintiff shall rely upon the  
Declarations of Elliott R. Good, Esq., dated March 17, 2006 and Michael J. Zaretsky, Esq.,  
dated March 21, 2006, and the exhibits annexed thereto, as well as the accompanying  
Memorandum of Law in support of such Motion.

DATED: March 21, 2006

CHORPENNING, GOOD, CARLET  
& GARRISON  
Attorneys for Plaintiff

By: /s/  
MICHAEL J. ZARETSKY, ESQ. (MZ7098)